

**THE CASE:**

**P:** Our son, Phil, is identified as being eligible for special education services as a student with HFA (high functioning autism)/ASD and anxiety (OHI category). He recently finished his 13<sup>th</sup> year. Phil has a high interest in technology and has talents in that area. He has high anxiety when it comes to technology. As part of his transition plan in 2015-16, the team agreed to have Phil assist at assemblies, to participate in a mentoring opportunity at school, and to let him use his own devices at school using the SD's network. Changes were made to his IEP in Fall 2015 including a PBSP. However, no FBA was done prior to the PBSP development and implementation. In addition, it had been recommended in an ER by the charter school he attended the previous year to conduct an OT eval mainly for sensory concerns. The school did not do it, yet added OT goals to his IEP when we met to discuss his struggles on math and English. In Fall 16-17, an incident occurred when Phil accessed the SD's portal and gained access to the SD database; thereby violating the SD IT usage code. He also logged in to the SD network as another person. Changes were put in place as he no longer could be involved in so many IT activities and an aide was hired. A manifestation determination meeting was held and it was determined his actions were a manifestation. Phil missed 2 months of school due to depression. He returned in February and attended daily. Other job shadowing opportunities were explored and he did do some work outside of the school for it. We believe that SD has denied Phil FAPE during the 2 school years, especially for transition services and supports. We are seeking comp ed and an IEE along with OT eval.

**S:** We believe that FAPE was provided and that Phil is not entitled to comp ed or to an IEE & OT eval. When Phil enrolled in SD from the charter school, we used the incoming ER and documents to create a SD IEP. The IEP team met multiple times when Phil showed signs of struggling in his courses and with the technology. We developed a transition plan to match his preferences and talents. He and his parents agreed to the SD's IT usage code and he violated. We sought other ways to meet his needs beyond that of the mentoring program with the IT teacher. The parents and Phil were not happy with those proposals. We feel our PBSP was appropriate due to the data we had collected on an on-going basis. The OT goals were added based upon data collected as well and did not indicate that an OT eval was necessary to provide FAPE.

**THE QUESTIONS:**

- 1. Did the District deny FAPE to the student for both years?**
- 2. If so, is the student entitled to compensatory education?**
- 3. Are the parents entitled to an IEE and OT eval?**

**WHAT DO YOU THINK?**

- YES:** The District failed to provide FAPE and owes compensatory education for both years along with an IEE & OT eval.
- NO:** Phil was provided with FAPE and the District does not owe the student compensatory education and does not have to pay for an IEE & OT eval.

**~Please come to a conclusion by indicating your choice on your response cards. Please hold up your card when asked to share your answer with the group~**